IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.8788 of 2004

M/s.Thakkaars Developers Ltd. Petitioner
Vs.
Parvatibai Ghamanrao Tidke & ors. Respondents

Mr.G.S.Godbole for petitioner.
Mr.R.S.Apte with Mr.A.A.Garge for Resp.No.4 to 6.
Mr.S.B.Shetye for Resp.No.2.

CORAM: B.H.MARLAPALLE,J.
July 13, 2006.

P.C.

. Heard Mr.Godbole, the learned counsel for the petitioner, Mr.Apte, the learned counsel for the respondent nos.4 to 6 and Mr.Shetye for respondent no.2. The petitioner had submitted an application at Exhibit 59 for being impleaded as one of the defendants in Special Civil Suit No.692 of 1997. The learned Jt.Civil Judge, Senior Division at Nashik was pleased to reject the said application by the impugned order dated 12/4/2004.

. Mr.Godbole has invited my attention to the order passed by this Court in Writ Petition No.1001 of 2003 passed on 16/2/2005. The present Respondent No.6 - Mr.Satish Dhondumal Parekh has been directed to be impleaded as the additional defendant in Special Civil Suit No.291 of 1991. It is also

evident that the suit property in both the suits is the land admeasuring 53 R. bearing Survey No.761/2/1 situated at Untwadi within Nashik Municipal Corporation.

. Hence for the reasons stated in the order dated 16/2/2005 passed in Writ Petition no.1001 of 2003, this petition is allowed and the impugned order is hereby quashed and set aside. Consequently Exhibit 59 filed by the petitioner in Special Civil Suit No.692 of 1997 is hereby allowed.

. If the parties or any one of them moves an application for clubbing of both the suits, the learned District Judge at Nashik is directed to pass appropriate orders on such application as expeditiously as possible in any case within six weeks from its presentation. Plaintiff would take steps to amend the plaint within two weeks. Writ to go forthwith.

(B.H.MARLAPALLE,J.)